IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 491 of 2002 (M/S)

Union of India
Through Assistant Garrison Engineer (Independent)
Chakrata, Dehradun

……. Petitioner

Versus

M/s Pyare Lal and sons
Through sole Proprietor
Sri Indra Son adult sons of
Late Pyare Lal,
R/o 54, Kanwali Road, Dehradun

……. Respondent

Mr. Ashok Aggarwal, learned Standing Counsel for Union of India.
Mr. V.K. Kohli, learned Senior Advocate assisted by
Mr. I.P. Kohli, learned counsel for the respondent.

Hon'ble Prafulla C. Pant, J.

By means of this petition, the petitioner ahs challenged the judgment and order dated 19.03.2002 passes by learned Additional District Judge / III Fast Track Court, Dehradun, whereby he has dismissed the appeal and confirmed the order dated 1st August, 2001 by which the objections were dismissed and award of Arbitrator was confirmed.

2) Heard learned counsel for the parties and perused the record.

3) The award ahs been challenged on the ground that the Arbitrator misconducted himself with the arbitration proceedings and failed to consider the objections of the Union of India. It is further contended that the Arbitrator has no jurisdiction to allow 6 % interest from the date the award was given. Perusal of the impugned judgment & order and the order of learned Civil Judge shows that it was not proved if the

Arbitrator misconducted in the arbitration proceedings or if the objections of the Union of India were not considered. The impugned orders are passed on merits after hearing the parties. No illegality could be shown on behalf of the Union of India in the impugned order. It is conceded by learned counsel for the parties that the Arbitrator could not have awarded interest more than 6 % after the date when the award was given by him. Copy of the award dated 3rd June, 1999 shows that in its para 34, no interest has been awarded for the period of 90 days after the date of award and for the period thereafter 6% interest has been awarded which is not against Section 7-A as amended for the State of Uttar Pradesh (applicable to Uttaranchal) in Schedule 1 of Arbitrator Act, 1940. Therefore, the petition is devoid of merits and is hereby dismissed. The bank guarantee furnished by the respondent is discharged. The remaining deposited amount may also be released in favour of respondent as per the award. No order as to costs.

(Prafulla C. Pant, J.)

Dt. 23.12.2004
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